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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,058	06/29/2001	Shigekazu Orita	188-87	9455

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EXAMINER

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT PAPER NUMBER

1771

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,058

Applicant(s)

ORITA ET AL.

Examiner

Norca L. Torres-Velazquez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. It is noted that the Examiner interprets knitted materials as being inherently three-dimensionally structured.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by BRINK et al. (US 4,901,738).

BRINK et al. discloses a laser shield constructed from a non-linting fabric sheet and a metal layer. (Abstract) The reference teaches that the laser shield comprises a sheet of fabric with a metal layer juxtaposed with one major surface thereof. The attachment of the metal layer to the fabric sheet may be accomplished by an adhesive layer, or by other suitable means such as heat laminating or mechanical fastening means. The reference further teaches that the fabric sheet can be made from any flexible woven, knit or nonwoven opaque fabric materials. (Column 2, lines 47-56).

4. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by OIKE et al. (JP 02082696A).

OIKE et al. disclose a metal thin film laminate structure for electromagnetic wave shield.

The reference discloses a non-conductive knit base comprising fibers such as polyethylene terephthalate. For the metal thin film layer it teaches the use of conductive materials such as metals of aluminum, copper, lead and niobate, etc., and alloys including those metals. The metal thin film layer is deposited in a vacuum on the opposite surfaces of the non-conductive base by vacuum deposition or ion plating. (Abstract)

5. Claims 1 and 7 are rejected under 35 U.S.C. 102(a) as anticipated by MOTOGAMI et al. (JP 2000273762A).

MOTOGAMI et al. discloses an electromagnetic wave-shielding material obtained by forming by a metal coating film on the surface of a base fabric by the electroless plating of copper and then impregnating the base fabric with an epoxy resin containing a conductive substance such as carbon particles. The base fabric preferably comprises at least one kind of heat-resistant organic fiber and has an average fineness of 0.5-5 denier, and includes a woven or knitted fabric. (Abstract)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over OIKE et al. as applied to claim 1 above, and further in view of ENG et al. (US 5,532,052).

The OIKE et al. reference does not explicitly disclose the use of a Raschel structure.

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ENG et al. disclose a camouflage material having radar screening properties comprised of a warp-knitted fabric, so-called Raschel fabric.

Since both OIKE et al. and ENG et al. are from the same field of endeavor, the purpose disclosed by ENG et al. would have been recognized in the pertinent art of OIKE et al.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the electromagnetic wave shield and provide it with a Raschel structure with the motivation of producing a light-weight knitted fabric as disclosed by ENG et al. (Refer to Column 1, lines 16-18 and lines 32-33).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 8:30-3:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

nlt
January 23, 2003

Elizabeth M Cole
ELIZABETH M COLE
PRINCIPAL EXAMINER